

(Approved November 18, 2004)

**BOARD OF BEHAVIORAL SCIENCES
CONSUMER SERVICES/CONSUMER PROTECTION COMMITTEE
MEETING MINUTES**

August 19, 2004

**EMBASSY SUITES
1440 IMPERIAL AVENUE
EL SEGUNDO, CA**

MEMBERS PRESENT

Robert Gerst, Public Member, Committee Chair
Catherine Kay, Public Member
Glynis Morrow, Public Member
Howard Stein, Public Member

MEMBERS ABSENT

Karen Pines, MFT Member

STAFF PRESENT

Denise Johnson, Interim Executive Officer
Kristy Schieldge, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 10:04 a.m.

Ms. McAuliffe called the roll and a Committee was established.

1. APPROVAL OF MAY 20, 2004 MINUTES

CATHERINE KAY MOVED, HOWARD STEIN SECONDED AND THE COMMITTEE CONCURRED TO APPROVE THE MINUTES OF MAY 20, 2004.

2. ENFORCEMENT STATISTICS

The current statistics were included in the meeting materials. Mr. Gerst addressed the substantial number of complaints that were closed. He questioned whether the Committee should be provided with more in-depth information on the issues of these complaints. Ms. Johnson offered to provide the Committee with further data on the actual types of complaints that were filed with the Board. He asked that more information on these complaints as well as why these were not either disciplinary actions or citation and fine. Ms. Johnson indicated that of the 342 violations, 240 were reported on renewal applications for a subsequent arrest. These subsequent arrests are reviewed and, if they are determined

to be either minor or not related to professional practice, they are closed and the individual's registration or license is renewed. Closures are either independently done by enforcement staff or a final review and approval of the closure is performed by the executive officer.

Mr. Gerst requested that further information on the criteria for closure of a complaint be included on the November agenda.

Ms. Schieldge indicated that she was concerned that the Committee was entering an area where the Board's investigative processes would be revealed and the more information that is disclosed publicly, the less confidential the investigations become. In addition, if the Committee were to direct staff to develop criteria for the enforcement process, the Committee would be entering the regulatory arena. She pointed out that Ms. Johnson had already explained that the enforcement process is a direct application of the Business and Professions Code, which is applied on a case-by-case basis and a determination is made based on the facts of each case.

Dr. Stein indicated that he was concerned about some of the independent functions that are performed by enforcement staff.

Ms. Morrow indicated that although decisions on closing a complaint are made independently by enforcement staff, they all apply uniform criteria.

Mr. Gerst then asked that the actual dollar amounts for cost recovery and citation and fine collected by the Board be provided to the Committee at the November meeting.

3. DISCUSSION ON THE AGING OF A COMPLAINT

Mr. Gerst indicated that he had requested data on aging of a complaint and the factors involved. Staff provided detailed information in the meeting materials. Mr. Gerst thanked staff for the information.

4. RESEARCH RESULTS AND DISCUSSION ON PROBATION MONITORING COSTS

At the May meeting the Committee had requested information on these issues. The results of the survey of other board's costs as well as information on the Board's implementation of its reimbursement for probation monitoring were provided to the Committee. Ms. Johnson stated that as of this meeting, one disciplinary decision had included cost recovery and two payments had been made to the Board.

The meeting was adjourned at approximately 10:15 a.m.